



Edwards Aquifer Authority

900 E. Quincy
San Antonio, TX 78215
EdwardsAquifer.org

Meeting Minutes Board of Directors

Tuesday, August 9, 2016

3:00 PM

EAA Board Room

A. Call to Order – Roll Call – Pledge of Allegiance.

Vice-Chairman Hughes called the meeting to order at 3:05 p.m.

Present: 8 - Director Fohn Bendele, Director Rebekah Bustamante, Treasurer Ron Ellis, Vice Chair Susan Hughes, Director Don Laffere, Director Craig Massouh, Director Pat Stroka, and Director Ron Walton

Absent: 2 - Director Amy Akers and Chairman Luana Buckner

Present: 6 - Director Rader Gilleland, Director Gary Middleton, Director Carol Patterson, Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

Absent: 1 - Treasurer Byron Miller

B. Public comment.

There were no citizens who requested to address the board.

C. General Manager's announcements and reports.

C.1

- Staffing Items of Interest (anniversaries, new hires)
- Recent Activities/Events (reports on conferences attended, meetings held, etc.)
- Upcoming Activities/Events (conferences, meetings, etc.)
- Operational Announcements (schedule changes, program updates, etc.)
- Recent Activities of the Edwards Aquifer Habitat Conservation Program
- Recent Legislative Activities
- Aquifer Conditions

Mr. Roland Ruiz, General Manager, made the following announcements:

- *Ms. Jennifer Adkins was promoted from Environmental Coordinator to Hydrogeologist.*
- *Ms. Nichelle Cunningham was promoted from Records Associate to Records Coordinator.*
- *Ms. Valerie Littleton changed positions from Records Supervisor to Employment Coordinator.*
- *Mr. Rick Illgner, Special Assistant to the General Manager, completed 25 years of service with the EAA/EUWD.*
- *Noted the passing away of Ms. Sally Buchanan, Chairman of the Board - San Antonio River Authority.*
- *The quarterly investment report was included in directors' folders.*
- *Water Forum VII was scheduled for Tuesday, October 11, 2016, at The Historic Pearl Stable from 11:00 a.m. - 1:00 p.m. Information was included in directors' folders.*
- *Directors received a copy of the board work session timed agenda scheduled for August 19-21, 2016.*
- *Dr. Maureen Muldoon, Professor of Geology at the University of Wisconsin-Oshkosh, would be the next EAA Distinguished Lecturer on Friday, September 30, 2016. The lecture would be hosted at Southwest Research Institute. The title of the lecture would be "Fractures – they Mess up Your Flow System (and they Are Everywhere). A flyer for the event was included in directors' folders.*
- *Mr. Geary Schindel, Chief Technical Officer/Director, briefed the board on current aquifer conditions.*

D. Treasurer's Report**D.1****Unaudited financial statements for June 2016.**

Treasurer Ellis presented the unaudited financial statements for June 2016.

E. Board Reports**F. Consent Agenda****F.1****Approval of previous board meeting minutes**

- **Regular Board Meeting - July 12, 2016**

Approval of previous board meeting minutes

- **Regular Board Meeting - July 12, 2016**

F.2 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for June 2016.

Approve payment to Kemp Smith in the amount of \$43,550.69 for legal services for June 2016.

A motion was made by Director Stroka, seconded by Director Patterson, to approve the consent agenda. The motion passed *viva voce*.

G. Individual Consideration

G.1 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Union Pacific Railroad Company, based on a change in land use.

Mr. Ruiz briefed the board regarding the conversion of base owned by Union Pacific Railroad Company. Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding the specifics of the application for the conversion.

Mr. Buck Benson, attorney representing Union Pacific Railroad Company, briefed the board regarding the conversion, and answered questions from the board.

A motion was made by Director Stroka, seconded by Director Patterson, the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P100-154 (BE00055), based on changes in land use submitted by Union Pacific Railroad Company. The motion passed *viva voce*. Director Scott Yanta abstained from the vote on the motion. Treasurer Ellis, Director Laffere, and Secretary Valdivia, voted in opposition to the motion.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from EAA staff to approve the purchase of employee medical insurance for October 1, 2016, through September 30, 2017, from Blue Cross Blue Shield of Texas through CBG Benefits Group, in the approximate amount of \$703,662, and authorizing the General Manager to execute any necessary documents.**

Mr. Felix Marquez, Executive Director - Administration & Financial Services, briefed the board regarding the purchase of employee medical insurance from Blue Cross Blue Shield of Texas.

A motion was made by Treasurer Ellis, seconded by Director Massouh, the board adopt Resolution and Order No.08-16-849 of the Edwards Aquifer Authority Board of Directors to approve the purchase of employee medical insurance for October 1, 2016, through September 30, 2017, from Blue Cross Blue Shield of Texas, through CBG Benefits Group, in the approximate amount of \$703,662, and authorizing the General Manager to execute any necessary documents. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from EAA staff to approve water conservation grant contracts with F&M Santleben Properties (2), Tierra Lytle, LLC, and Texas by Anderson Family Properties, LP, for installation of irrigation conservation equipment in amounts not to exceed \$79,584.62, \$62,421.08, \$45,000, and \$11,220.51, respectively.**

Mr. Friberg briefed the board regarding the water conservation grant contracts with F&M Santleben Properties, Tierra Lytle, LLC, and Texas By Anderson Family Properties, LP.

A motion was made by Director Youngblood, seconded by Treasurer Ellis, the board approve water conservation grant contracts with F&M Santleben Properties, Tierra Lytle, LLC, and Texas by Anderson Family Properties, LP, in amounts not to exceed \$79,584.62, \$62,421.08, \$45,000, and \$11,220.51, respectively, and authorize the General Manager to execute the contracts. The motion passed viva voce.

H. Staff Reports

I. Closed Session.

The Board of Directors of the Edwards Aquifer Authority may go into a closed session under the authority of the Government Code, Chapter 551, Texas Open Meetings Act, to discuss:

Vice-Chairman Hughes closed the meeting to the public at 3:53 p.m.

I.1**Closed Session.**

1. Consultation with Attorney - Pending Litigation (§ 551.071)

Active Litigation:

Guadalupe-Blanco River Auth. v. Royal Crest Homes (22nd Hays Cnty. filed June 15, 1989)

Bragg v. Edwards Aquifer Auth. (38th Medina Cnty. judgment May 17, 2016)

League of United Latin Am. Citizens v. Edwards Aquifer Auth. (W.D. Tex. filed June 21, 2012)

GG Ranch, Ltd. v. Edwards Aquifer Auth. (5th Cir. decision May 5, 2016)

In re Jaffe, No. 16-50355 (W.D. Tex. filed Feb. 12, 2016)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cnty. filed Oct. 6, 2010)

2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney - Settlement Offers (§ 551.071)
4. Consultation with Attorney (§ 551.071)
5. Deliberations Regarding Real Property (§ 551.072)
6. Deliberations Regarding Personnel Matters (§ 551.074)

Vice-Chairman Hughes reopened the meeting to the public at 4:15 p.m.

J. Consider recommendation(s) regarding matters discussed in closed session.

The board did not consider any recommendations.

K. Discuss items for future board meeting agendas.

The board did not discuss any items for future meeting agendas.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:16 p.m.

*Enrique P. Valdivia
Secretary, Board of Directors*

*Jennifer Wong-Esparza
Assistant to Board Secretary*